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(4)

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Criminal Appeal No. 853/2004

3780/04

Filed on ..... 07/10/04 .....

by Shri ..... Advocate

R. for D.R. (J)

27/10/04

APPELLANT — Shyam Lal Suryavanshi, S/o. Bhagatram Suryavanshi, Aged about 23 years, R/o. Village Semara (Bharari) P.S. Ratanpur, District Bilaspur (C.G.)

VERSUS

RESPONDENT - The State of Chhattisgarh

CRIMINAL APPEAL UNDER SECTION 374(2) OF Cr.P.C.

(22)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.A.No.853/.. **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05.10.2006

Appellant-Shyam Lal Suryavanshi by Shri Vimalesh Bajpai, Advocate.

Shri M.P.S.Bhatia, Panel Lawyer for the State.

Heard on M.Cr.P.No.596 of 2005 which is an application filed under Section 320 (5) of Cr.P.C. and also on I.A.No.2539 of 2006 for permission to compound the offence.

The appellant herein was convicted under Section 324 I.P.C. and was sentenced to rigorous imprisonment for three years and a fine of Rs.500/- and in default to undergo additional R.I. for five months vide judgment dated 13.09.2004 delivered by Shri M.D. Mahilkar, 3rd Additional Sessions Judge, Bilaspur in Sessions Case No. 293 of 2003.

The appellant-Shyam Lal Suryavanshi and the complainant-Mongra Bai, his wife, are present before the Court today. They are identified by Shri Vimalesh Bajpai.

On being asked, Smt. Mongra Bai stated that she is living with her husband i.e. appellant herein, peacefully since more than a year and has also given birth to a child. Mongra Bai also stated that the incident of assault on her had occurred upon a sudden quarrel and was not premeditated.

Considering the fact that the appellant and Mongra Bai are husband and wife and have amicably settled their disputes and are not only living together as husband and wife since a year but have also

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	been blessed with a child, I am inclined to allow I.A.No.2539 of 2006 and permit Mongra Bai to compound the offence under Section 324 I.P.C., which is compoundable, with the permission of the Court. As a consequence, M.Cr.P.No.596 of 2005 filed under Section 320 (5) Cr.P.C. is also allowed and, as a result of the offence under Section 324 I.P.C. having been compounded, the conviction of the appellant under Section 324 I.P.C. and the sentence awarded thereunder are set aside and the appellant is acquitted ~~of the charge~~. Certified copy as per rules. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	

P.T.O.

26.10.06 8.11.06